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**OFFICE OF PETITIONS**

In re Application of  
Tomas CIHLAR  
Application No. 10/086,816  
Filed: February 28, 2002  
Attorney Docket No. 240.1PCD

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:  
: DECISION ON PETITION  
: UNDER 37 CFR 1.137(b)  
:

This is a decision on the petition under 37 CFR 1.137(b), filed March 3, 2005, to revive the above-identified application.

The petition is **DISMISSED** as being immaterial to a pending application..

A non-final Office action regarding the above-identified application was mailed August 24, 2004, which set a shortened statutory period for reply of three (3) months. A three-month extension of time under the provisions of 37 CFR 1.136(a) was obtained pursuant to a petition filed March 3, 2005 with a Certificate of Mailing dated February 24, 2005. An amendment was also filed March 3, 2005 with a Certificate of Mailing dated February 24, 2005. Accordingly, the reply to the non-final Office Action mailed August 24, 2004 is considered to be timely filed and the above-identified application is not abandoned. Therefore, the petition under 37 CFR 1.137(b), filed March 3, 2005, is moot and the petition fee is credited to Deposit Account 07-1250.

Telephone inquiries concerning this decision should be directed to Betsy Deppe at (571) 272-6052 or in her absence, the undersigned at (571) 272-3217.

The application is being referred to Technology Center AU 1646 for appropriate action on the reply in due course.

Brian Hearn  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy